

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

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JEFF MAWHORR	:	CFTC Docket No. CRAA 04-02
	:	
v.	:	ORDER PURSUANT TO
	:	DELEGATED AUTHORITY
NATIONAL FUTURES ASSOCIATION	:	
_____	:	

Jeff Mawhorr ("Mawhorr") seeks a stay of an order of the National Futures Association ("NFA") summarily suspending him from associate membership due to his failure to pay an arbitration award. Mawhorr requests a 60-day stay while he works out a payment arrangement with the claimant in the arbitration. He does not, however, explain why he failed to complete the necessary arrangements prior to NFA's imposition of the suspension.

Under Commission Rule 171.22, an aggrieved party may seek a stay pending Commission consideration of his appeal. The rule specifies that petitions for stays "be accompanied by a notice of appeal." Because Mawhorr has not filed a notice of appeal, and apparently does not claim that NFA erred in imposing the suspension at issue, his stay request does not meet the requirements of Rule 171.22.

In any case, the Commission has held that it will hear an appeal from this type of suspension only if it involves something more than the ministerial application of a pre-determined sanction. *Machin v. National Futures Ass'n*, [1990-1992 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 25,041 at 37,893 (CFTC Apr. 25, 1991). Absent a colorable claim that goes to the core of the Commission's role in ensuring the reliability of NFA's membership process (e.g., that NFA acted arbitrarily in imposing the suspension) any

appeal that Mawhorr submitted would fall outside the Commission's appellate jurisdiction.

Bunyard v. National Futures Association, CRAA 03-01 (CFTC March 5, 2003).

For the foregoing reasons, Mawhorr's petition for stay is dismissed.

IT IS SO ORDERED.'

A handwritten signature in cursive script, reading "Edson G. Case", is written over a horizontal line. The signature is fluid and stylized, with the first and last names being more prominent than the middle initial.

Edson G. Case
Deputy General Counsel
Commodity Futures Trading Commission

Dated: November 26, 2003

¹ By the Commission pursuant to delegated authority. 17 C.F.R. § 171.50(a)(5).